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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 481

WILLIAM A. ALBAUGH, Republican Candidate in the contested 1964 Maryland Primary election for United States Senator nomination,

Appellant,

v.

J. MILLARD TAWES, Governor of Maryland

and

LLOYD L. SIMPKINS, Secretary of State for the State of Maryland,

Appellees.

On Appeal from the United States District Court for the District of Maryland

PETITION FOR REHEARING

WILLIAM A. ALBAUGH
3368 Chillum Road
Mt. Rainier, Maryland 20822
Appellant, Pro Se

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PETITION FOR REHEARING

Appellant, William A. Albaugh, comes now under Rule 58 and petitions this Honorable Court for a rehearing of its judgment (Appendix B), entered on November 9, 1964, affirming the lower Court's judgment dismissing the appellant's complaint challenging the Primary and corollary General Election for United States Senator from

Maryland on the grounds that the appellees were in the process of deciding these elections on the basis of election returns which failed to list any returns from the District of Columbia's 500,000 potential voters.

REASON FOR GRANTING THIS PETITION

The Court should not judge this case on the basis of other Primary Election contest cases which cease to be active or become moot after a conclusive corollary General Election is held.

Unlike all other cases challenging Primary Elections, this case involves a unique and parallel challenge to the succeeding corollary General Election; this challenge operates independently of the Primary Election results. Even if appellant concedes that all the candidates in the General Election were properly nominated, appellant maintains that the results of the General Election will probably be hopelessly in doubt because of the failure of the appellees to count the election returns from the District of Columbia's 500,000 potential voters.

Until the Court has had a chance to review the additional facts that have been introduced into this case as a result of the corollary General Election being held on November 3, 1964, it is premature to dismiss this case, particularly, if the General Election proves to be invalid regardless of the validity of the Primary Election.

ADDITIONAL STATEMENT OF THE CASE

On Tuesday, November 3, 1964, the appellees conducted the General Election to select the United States Senator from Maryland. The appellant, a registered voter in the 5th Precinct of the 17th Election District of Prince George's County, Maryland, voted in this election and cast his ballot for the Republican Candidate.

The unofficial returns as published in the November 5th Washington Post, p. A8 (Appendix A), indicate that the Democratic Candidate was elected by a margin of less than 350,000 votes. The official returns will not be available until about December 1, 1964. However, since the appellees counted no returns from the 500,000 potential voters of the District of Columbia, it is already possible to assert that had this vote been cast for the Republican Candidate it would have been enough to assure his election.

The appellant has a double vital interest which gives him standing to challenge this General Election. First, his entire election precinct is geographically located within six miles of the White House which is a claim that can't be made for the homes of 20,000 District of Columbia citizens. In case of a nuclear war, a hydrogen bomb attack on the White House is one of the first things that we may expect. One such bomb is sufficient to destroy everything in the District of Columbia and in appellant's election precinct. Since District citizens don't wish to be the first to die in the next war, their voice in Congress is essential if appellant's vital interest in peace is to be adequately protected. Second, the appellant's claims against the faulty Primary Election will be reactivated if the General Election is independently invalidated.

CONCLUSION

Because this appeal and petition for rehearing transcend the boundaries of the Primary Election and present a special challenge to the corollary General Election, it is urged that the judgment dismissing this appeal be set aside and the appellant be allowed one opportunity to have his distinguished Democratic attorney present in open Court the oral arguments in support of appellant's position that the District of Columbia must remain a vot-

ing part of the State of Maryland until such time as Congress provides otherwise by making the District of Columbia a voting part of some other state.

Respectfully submitted,

WILLIAM A. ALBAUGH
Appellant, Pro Se

CERTIFICATE

I, William A. Albaugh, appellant, pro se, hereby certify that the above petition for rehearing is presented in good faith and not for delay.

WILLIAM A. ALBAUGH
3368 Chillum Road
Mt. Rainier, Maryland 20822
Appellant, Pro Se

November, 1964

APPENDIX A

1964 UNOFFICIAL ELECTION RETURNS

(Washington Post, p. A8, November 5, 1964)

U. S. SENATE - MARYLAND

% PCTS REPTD	COUNTY	DEMOCRAT TYDINGS	REPUBLICAN BEALL
100	ALLEGANY	14,520	16,899
100	ANNE ARUN	35,322	26,202
99	BALT CO	114,282	75,951
100	CALVERT	2,597	2,036
82	CAROLINE	3,432	2,371
100	CARROLL	8,511	8,093
100	CECIL	7,620	4,755
100	CHARLES	5,374	3,424
100	DORCHESTER	4,316	4,330
100	FREDERICK	12,229	10,395
100	GARRETT	3,307	4,067
94	HARFORD	15,003	7,851
100	HOWARD	7,937	6,560
100	KENT	3,369	2,359
100	MONTGOMERY	90,571	56,667
95	PRINCE GEO	74,112	39,908
100	QUEEN ANNE	3,733	1,826
81	ST MARYS	6,327	3,311
100	SOMERSET	3,120	3,562
98	TALBOT	4,034	3,342
100	WASHINGTON	18,523	14,320
100	WICOMICO	9,458	7,047
100	WORCHESTER	2,704	3,004
100	BALT CITY	228,174	87,785
99	TOTAL	678,875	396,065

TYDINGS ELECTED

APPENDIX B

SUPREME COURT OF THE UNITED STATES

ALBAUGH v. TAWES, GOVERNOR OF MARYLAND, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

No. 481. Decided November 9, 1964

PER CURIAM.

The judgment is affirmed.